

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

ALLIANCE HEALTH NETWORKS, LLC,  
formerly Alliance Health Networks, Inc. and  
MEDSOURCE RX PHARMACY, LLC,  
doing business as Medsource Diabetic,  
Medsource RX, and Your Diabetic Pharmacy,

Defendants.

Civil Action No.: 15-cv-00213 (JG) (VMS)

**DECLARATION OF  
ANDREW CASE  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**

Andrew Case declares the following to be true pursuant to 28 U.S.C. § 1746:

1. I am admitted to this Court and am an associate at Manatt, Phelps & Phillips, LLP, counsel for Defendants Alliance Health Networks, LLC and Medsource Rx Pharmacy, LLC (collectively, "Defendants"). I submit this declaration in support of Defendants' Motion to Dismiss pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure.
2. Attached as Exhibit 1 is a true and accurate copy of a report generated on Bloomberg Law by the library staff of Manatt, Phelps & Phillips, LLP on May 7, 2015 identifying cases in which Todd Bank ("Bank") has been the plaintiff in federal courts within New York state.
3. Attached as Exhibit 2 is a true and correct copy of Plaintiff Todd Bank's original Class-Action Complaint, dated January 15, 2015.
4. Attached as Exhibit 3 is a true and accurate copy of an Offer of Judgment pursuant to Fed. R. Civ. P. 68 served upon Bank by overnight mail and email by Defendants on February 25, 2015.

5. Attached as Exhibit 4 is a true and accurate copy of a Settlement Offer served upon Bank by overnight mail and email by Defendants on February 25, 2015.

6. Attached as Exhibit 5 is a true and accurate copy of an Amended Class-Action Complaint filed by Todd Bank dated August 14, 2015.

7. Bank rejected the Offer of Judgment and the Settlement Offer via an email that I received on February 25, 2015.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, NY on this 11<sup>th</sup> day of September, 2015.

*s/ Andrew Case*

Andrew Case